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DORSEY & WHITNEY LLP
Suite 300
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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 08/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/935,565

Applicant(s)

DE BELLIS, JOSEPH

Examiner

Leslie Wong

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/Nov04.01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. The Applicant's claim to domestic priority under 35 U.S.C. §120, as a Continuation-in-Part of application 09/513,340, filed 25 February 2000, which claims to domestic priority under 35 U.S.C. §119(e), as a provisional of application serial number 60/227,305, filed on 24 August 2000, is acknowledged.

As a result, a priority date of no later than 24 August 2000¹ is established, and depending upon the specific subject matter claimed, the priority date could be as early as 24 August 2000, 25 February 2000, or 24 August 2000¹.

Information Disclosure Statement

2. Applicants' Information Disclosure Statement, filed 30 November 2001, has been received, entered into the record, and considered. See attached form PTO-1449.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 3, 21, 22, and 39 of patent # 6,760,720 B1 contain(s) every element of representative claims 1, 3, 15, 20, 32, 35, and 41 of the instant application and as such anticipate(s) claims 1, 3, 15, 20, 32, 35, and 41 of the instant application.

Patent '720	Instant Application
1	1
3	3
21	15
3	20
21	32,35
22	37
39	41

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " **ELI LILLY AND COMPANY v BARR LABORATORIES, INC.**, United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 15-19, 32-39 are rejected under 35 U.S.C. 102(e) as being anticipated by **Crandall et al.** (U.S. Patent 6,321,228 B1).

Regarding claim 15, **Crandall et al.** teaches a method for searching a database, comprising:

- a). selecting a first search term (col. 5, lines 32-35);
- b). sending the first search term to a search engine (col. 5, lines 23-25);
- c). receiving a first search result (col. 6, lines 11-12);
- d). selecting and sending a second search term to the search engine (col. 5, lines 25-29); and
- e). receiving a second search result, wherein the second search results represents a combination of the first and the second search terms (col. 5, lines 30-41; col. 6, lines 11-12).

Regarding claims 16 and 33, **Crandall et al.** further teaches

- a). selecting and sending a third search term to the search engine (col. 5, lines 26-27);
- b). dropping a prior search term, wherein the dropped prior search term in one of the first and the second search terms (col. 5, lines 27-28); and
- c). receiving a third search result comprising a combination of the third search term and one of the first and the second search terms (col. 5, lines 30-41; col. 6, lines 11-12).

Regarding claim 17, **Crandall et al.** teaches wherein the first search term is directed to a first database and wherein the second search term is directed to a second database (col. 5, lines 65-67).

Regarding claims 18 and 34, **Crandall et al.** further teaches wherein the first search result is displayed as a truncated result list (col. 6, lines 13-15).

Regarding claim 19, **Crandall et al.**, further teaches a step specifying a size of the truncation (col. 6, lines 13-15).

Regarding claim 32, **Crandall et al.** teaches a method for providing search functions in one or more databases, comprising:

- a). receiving a first search term (col. 5, lines 32-35);

- b). searching at least a first database using the first search term (col. 5, lines 23-25);
- c). returning a first search result, wherein the first search result comprises a first list of elements in the first database (col. 6, lines 11-12);
- d). receiving a second search term (col. 5, lines 25-29);
- e). conducting a second search by applying the second search term to one of the first list of elements and a second database (col. 5, lines 25-29); and
- f). returning a second search result, wherein the second search results represents a combination of the first and the second search terms (col. 5, lines 30-41; col. 6, lines 11-12).

Regarding claim 35, **Crandall et al.** teaches a method for navigating one or more databases, comprising:

- a). receiving a first attribute associated with elements in one or more of the databases, wherein the first attribute comprises a first search term (col. 5, lines 32-35);
- b). returning a first search result based on the first attribute (col. 6, lines 11-12);
- c). receiving a second attribute associated with elements in one or more of the databases, wherein the second attributes comprises a second search term (col. 5, lines 25-29);
- d). generating a second search result based on the second attribute (col. 5, lines 25-29) ;

- e). merging the first and the second search results to provide a merged search result (col. 5, lines 30-41; col. 6, lines 11-12); and
- f). returning the merged search result (col. 5, lines 30-41; col. 6, lines 11-12).

Regarding claim 36, **Crandall et al.** further teaches truncating the merged search result based on a display size of a device receiving the merged search result (col. 6, lines 13-15).

Regarding claim 37, **Crandall et al.** teaches a method for retrieving data from one or more databases; comprising:

- a). receiving a first constraint, wherein the first constraint relates to a first data attribute (col. 5, lines 32-35);
- b). receiving a second constraint, wherein the second constraint relates to a second data attribute (col. 5, lines 25-29);
- c). determining if the first and the second constraint are in a same merge group (i.e., Boolean AND) (Fig. 4C);
- d). generating a database query based on the determining step (col. 5, lines 30-41; col. 6, lines 11-12); and
- f). returning a first merged search result (col. 5, lines 30-41; col. 6, lines 11-12).

Regarding claim 38, **Crandall et al.** further teaches wherein the first and the second constraints are in the same merge group, further comprising:

generating a Boolean AND as the database query (col. 5, lines 26-29).

Regarding claim 39, **Crandall et al.** further teaches wherein the first and the second constraint are in different merge groups, further comprising:

generating a Boolean OR as the database query (col. 5, lines 26-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 14, 20-21, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Maloney et al.** (U.S. Patent 5,701,453) in view of **Crandall et al.** (U.S. Patent 6,321,228 B1).

Regarding claim 1, **Maloney et al.** teaches a method for displaying data comprising:

- a). determining a database schema for a database (col. 3, lines 1-6);
- b). providing a list of the database fields, wherein the list includes a descriptor indicating a data category (Fig. 18);

c). receiving a search selection for a database field on the provided list of the database fields (col. 3, lines 7-10);

d). determining a quantity of entries in the selected database field (col. 16, lines 6-8);

e). **Maloney et al.** does not explicitly teaches a step wherein if the quantity exceed a specified amount; truncating data, and displaying the truncated data; and if the quantity does not exceed the specified amount, displaying contents of the database field.

Crandall et al., however, teaches wherein if the quantity exceeds a specified amount; truncating data, and displaying the truncated data (col. 6, lines 13-15); and if the quantity does not exceed the specified amount, displaying contents of the database field (col. 8, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the step of truncating the result set when it exceeded the predetermined threshold as taught by **Crandall et al.** as this would enable the system to manage and control the result to be displayed to the users based on the predetermined threshold.

Regarding claim 2, **Crandall et al.** teaches a step wherein providing a key word search (col. 7, lines 30-39).

Regarding claim 3, **Maloney et al.** teaches a method for formatting data for display, comprising:

- a). generating a list of data fields (Fig. 18);
- b). receiving a first data field selection from the list of data fields (col. 3, lines 7-10);
- c). determining a first quantity indicative of a number of entries of the selected data field (col. 16, lines 6-8);
- d). **Maloney et al.** does not explicitly teaches a step wherein if the quantity exceeds a specified limit, reducing a size of data to be displayed from the selected data field, and displaying contents of the database field.

Crandall et al., however, teaches wherein if the quantity exceeds a specified limit, reducing a size of data to be displayed from the selected data field (col. 6, lines 13-15); and displaying contents of the database field (col. 8, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the step of truncating the result set when it exceeded the predetermined threshold as taught by **Crandall et al.** as this would enable the system to manage and control the result to be displayed to the users based on the predetermined threshold.

Regarding claim 14, **Crandall et al.** further teach a step receiving a first constraint, wherein the first constraint is related to a data element in a data field; and

receiving one or more subsequent constraints, wherein search results are generated based on a combination of the first and the one or more subsequent constraints (col. 5, lines 35-41).

Regarding claim 20, **Maloney et al.** teaches a method for searching a database, comprising:

- a). generating a list of data fields (Fig. 18);
- b). receiving a first data field selection from the list of data fields (col. 3, lines 7-10);
- c). receiving a first constraint, wherein the first constraint is related to a data element in a data field (col. 3, lines 7-10; col. 5, lines 23-26); and
- d). **Maloney et al.** does not explicitly teach receiving one or more subsequent constraints, wherein search results are generated based on a combination of the first and the one or more subsequent constraints.

Crandall et al., however, teaches receiving one or more subsequent constraints, wherein search results are generated based on a combination of the first and the one or more subsequent constraints (col. 5, lines 25-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the step of receiving one or more query constraints as taught by **Crandall et al.** as this would allow user to refine the query to generate the search results to meet user's criteria.

Regarding claim 21, **Maloney et al.** does not explicitly teaches steps of:

- a). determining a first quantity indicative of a number of entries of the selected data field;
- b). if the first quantity exceeds a specified limit, reducing a size of data to be displayed from the selected data field; and
- c). displaying data from the selected data field.

Crandall et al., however, teaches wherein if the quantity exceeds a specified limit, reducing a size of data to be displayed from the selected data field (col. 6, lines 13-15); and displaying data from the selected data field (col. 8, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the step of truncating the result set when it exceeded the predetermined threshold as taught by **Crandall et al.** as this would enable the system to manage and control the result to be displayed to the users based on the predetermined threshold.

Regarding claim 41, **Maloney et al.** teaches a method for searching one or more databases, wherein each of the one or more databases comprises a plurality of fields, comprising:

- a). getting a first list of fields of a first database (Fig. 18);
- b). applying a first filter to the final list of fields, wherein the final filter comprises a first search constraint (col. 3, lines 7-10; col. 5, lines 23-26);
- f). displaying the search result (Fig. 5, element 510).

Maloney et al. does not explicitly teach the steps of:

- c). applying a second filter to the first list of fields, wherein the second filter comprises a second search constraint;
- d). applying a third filter to the first list of filters, wherein the third filter comprises a third search constraint;
- e). removing at least one of the first, second and third filters, whereby a search result is generated.

Crandall et al., however, teaches the steps of:

- c). applying a second filter to the first list of fields, wherein the second filter comprises a second search constraint (col. 5, lines 29-37);
- d). applying a third filter to the first list of filters, wherein the third filter comprises a third search constraint (col. 5, lines 29-37);
- e). removing at least one of the first, second and third filters, whereby a search result is generated (col. 5, lines 59-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to allow the step of receiving one or more query constraints as taught by **Crandall et al.** as this would allow user to refine the query to generate the search results to meet user's criteria.

8. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Crandall et al.** (U.S. Patent 6,321,228 B1) as applied to claims 15-19 and 32-39 above and in view of **Mani et al.** (U.S. Patent 5,848,406).

Regarding claim 40, **Crandall et al.** does not explicitly teaches wherein the first and the second constraints are recovered using a wireless connector, and wherein the first merged search result is returned using the wireless connection.

Mani et al., however, teaches a step comprising displaying the data on a terminal, the terminal including one of a handheld device, a cellular phone, a geosynchronous positioning satellite (GPS) device, a wrist-worn device, an interactive phone device, a household appliance, a television, a television set top box, a handheld computer, a main frame computer and a personal computer as presenting information on devices of various sizes such as mobile computers and personal digital assistants (PDAs) (col. 2, lines 22-33). Thus, **Mani et al.** inherently teaches the use of wireless connection for communicating the result the user by teaching displaying data on a handheld device such as a PDA.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the step of displaying data on devices of varying sizes using the wireless connection as taught by **Mani et al.** in order to allow a user freedom to move within the wireless environment while remaining "connected" to a network. Furthermore, a wireless connection to a network allows a portable processor user the convenience of connecting to a network without having to plug into a docking station or use some other method of "hardwiring" to a network as suggested by **Baber et al.** at col. 2, lines 35-41.

9. Claims 4-8 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Maloney et al.** (U.S. Patent 5,701,453) in view of **Crandall et al.** (U.S. Patent 6,321,228 B1) as applied to claims 1-3, 14, 20-21, and 41 above and further in view of **Mani et al.** (U.S. Patent 5,848,406).

Regarding claims 4, 5, 7, 22, 23, and 25, **Maloney et al. and Crandall et al.**, do not explicitly teach a step wherein the specified limit is fixed, variable, or user-determined limit.

Mani et al., however, teaches a step wherein the specified limit is fixed, variable, or user-determined limit (col. 5, lines 22-25 and lines 35-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the step of defining the display threshold as taught by **Mani et al.** in order to allow a user to make use of very small display surface such as mobile computers or PDA to allow data to fit on the display screen of a specific device.

Regarding claims 6 and 24, **Maloney et al. and Crandall et al.**, do not teach a step wherein the data are displayed on a terminal, and wherein the specified limit is determined dynamically, based on a characteristic of the terminal.

However, **Mani et al.** teaches a step wherein the data are displayed on a terminal, and wherein the specified limit is determined dynamically, based on a characteristic of the terminal (col. 2, lines 23-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the feature of displaying data based a characteristic of the terminal as taught by **Mani et al.** because it would accommodate various kinds of terminals having different display capabilities.

Regarding claims 8 and 26, **Crandall et al.** further teach a step wherein the method for reducing the size of the data to be displayed from the selected data field comprises:

a). performing a truncation that reduces the size of the data to be displayed from the selected data field (col. 6, lines 13-15);

Maloney et al. and Crandall et al., do not explicitly teach the steps of:

b). comparing the reduced size to the specified limit; and
c). if the reduced size exceeds the specified limit, repeating the truncation and comparing steps until the size of the data to be displayed from the selected data field is less than or equal to the specified limit.

However, **Mani et al.** teaches a step wherein the method for reducing the size of the data to be displayed from the selected data field comprises:

b). comparing the reduced size to the specified limit (col. 5, lines 39-40);
and
c). if the reduced size exceeds the specified limit, repeating the truncation and comparing steps until the size of the data to be displayed from the selected data field is less than or equal to the specified limit (col. 5, lines 39-49).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature of reducing the size exceeds the specified limit and repeating the truncation and comparing steps until the size of the data to be displayed from the selected data field is less than or equal to the specified limit as taught by **Mani et al.** in order to adjust the output to fit the display area of various devices.

10. Claims 9-13 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Maloney et al.** (U.S. Patent 5,701,453) in view of **Crandall et al.** (U.S. Patent 6,321,228 B1) and in view of **Mani et al.** (U.S. Patent 5,848,406) as applied to claims 4-8 and 27 above and further in view of **Heckel** (U.S. Patent 4,486,857).

Regarding claims 9-13 and 27-31, **Maloney et al.**, **Crandall et al.**, and **Mani et al.**, do not explicitly teach a step wherein a parameter is related to the size of the data to be displayed from the selected data field, and wherein the truncation comprises dividing the parameter by a value and wherein the value is two.

However, **Heckel** teaches a step wherein a parameter is related to the size of the data to be displayed from the selected data field, and wherein the truncation comprises dividing the parameter by a value and wherein the value is integer (col. 5, line 7 – col. 6, line 14).

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ the data reduction method as taught by **Heckel** to calculate the display capacity of the target terminal and determine if the selected data field need to be adjusted in order to fit on the display.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baber et al. (U.S. Patent 6,279,041B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong
Patent Examiner
Art Unit 2177

LW
August 20, 2004